

103^D CONGRESS
1ST SESSION

H. R. 698

AMENDMENT

In the Senate of the United States,

November 19 (legislative day, November 2), 1993.

Resolved, That the bill from the House of Representatives (H.R. 698) entitled “An Act to protect Lechuguilla Cave and other resources and values in and adjacent to Carlsbad Caverns National Park”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “Lechuguilla Cave Protec-*
3 *tion Act of 1993”.*

4 ***SEC. 2. FINDING.***

5 *Congress finds that Lechuguilla Cave and adjacent*
6 *public lands have internationally significant scientific, en-*
7 *vironmental, and other values, and should be retained in*
8 *public ownership and protected against adverse effects of*
9 *mineral exploration and development and other activities*
10 *presenting threats to the areas.*

1 **SEC. 3. LAND WITHDRAWAL.**

2 (a) *WITHDRAWAL.*—Subject to valid existing rights, all
3 Federal lands within the boundaries of the cave protection
4 area described in subsection (b) are hereby withdrawn from
5 all forms of entry, appropriation, or disposal under the
6 public land laws; from location, entry, and patent under
7 the United States mining laws; and from disposition under
8 all laws pertaining to mineral and geothermal leasing, and
9 all amendments thereto.

10 (b) *LAND DESCRIPTION.*—The cave protection area re-
11 ferred to in subsection (a) shall consist of approximately
12 6,280 acres of lands in New Mexico as generally depicted
13 on the map entitled “Lechuguilla Cave Protection Area”
14 numbered 130/80,055 and dated April 1993.

15 (c) *PUBLICATION, FILING, CORRECTION, AND INSPEC-*
16 *TION.*—(1) As soon as practicable after the date of enact-
17 ment of this Act, the Secretary of the Interior (hereinafter
18 referred to as the “Secretary”) shall publish in the Federal
19 Register the legal description of the lands withdrawn under
20 subsection (a) and shall file such legal description and a
21 detailed map with the Committee on Energy and Natural
22 Resources of the United States Senate and the Committee
23 on Natural Resources of the United States House of Rep-
24 resentatives.

1 (2) *Such map and legal description shall have the*
2 *same force and effect as if included in this Act except that*
3 *the Secretary may correct clerical and typographical errors.*

4 (3) *Copies of such map and legal description shall be*
5 *available for inspection in the appropriate offices of the Bu-*
6 *reau of Land Management.*

7 **SEC. 4. MANAGEMENT OF EXISTING LEASES.**

8 (a) *SUSPENSION.*—*The Secretary shall not permit any*
9 *new drilling on or involving any Federal mineral or geo-*
10 *thermal lease within the cave protection area referred to in*
11 *section 3(a) until the effective date of the Record of Decision*
12 *for the Dark Canyon Environmental Impact Statement, or*
13 *for 12 months after the date of enactment of this Act, which-*
14 *ever occurs first.*

15 (b) *AUTHORITY TO CANCEL EXISTING MINERAL OR*
16 *GEOTHERMAL LEASES.*—*Upon the effective date of the*
17 *Record of Decision for the Dark Canyon Environmental*
18 *Impact Statement and in order to protect Lechuguilla Cave*
19 *or other cave resources, the Secretary is authorized to—*

20 (1) *cancel any Federal mineral or geothermal*
21 *lease in the cave protection area referred to in section*
22 *3(a); or*

23 (2) *enter into negotiations with the holder of a*
24 *Federal mineral or geothermal lease in the cave pro-*
25 *tection area referred to in section 3(a) to determine*

1 *appropriate compensation, if any, for the complete or*
2 *partial termination of such lease.*

3 **SEC. 5. ADDITIONAL PROTECTION AND RELATION TO**
4 **OTHER LAWS.**

5 (a) *IN GENERAL.*—*In order to protect Lechuguilla*
6 *Cave or Federal lands within the cave protection area, the*
7 *Secretary, subject to valid existing rights, may limit or pro-*
8 *hibit access to or across lands owned by the United States*
9 *or prohibit the removal from such lands of any mineral,*
10 *geological, or cave resources: Provided, That existing access*
11 *to private lands within the cave protection area shall not*
12 *be affected by this subsection.*

13 (b) *NO EFFECT ON PIPELINES.*—*Nothing in this title*
14 *shall have the effect of terminating any validly issued right-*
15 *of-way, or customary operation, maintenance, repair, and*
16 *replacement activities in such right-of-way; prohibiting the*
17 *upgrading of and construction on existing facilities in such*
18 *right-of-way for the purpose of increasing capacity of the*
19 *existing pipeline; or prohibiting the renewal of such right-*
20 *of-way within the cave protection area referred to in section*
21 *3(a).*

22 (c) *RELATION TO OTHER LAWS.*—*Nothing in this Act*
23 *shall be construed as increasing or diminishing the ability*
24 *of any party to seek compensation pursuant to other appli-*
25 *cable law, including but not limited to the Tucker Act (28*

1 *U.S.C. 1491), or as precluding any defenses or claims other-*
2 *wise available to the United States in connection with any*
3 *action seeking such compensation from the United States.*

4 ***SEC. 6. AUTHORIZATION OF APPROPRIATIONS.***

5 *There is hereby authorized to be appropriated such*
6 *sums as may be necessary to carry out this Act: Provided,*
7 *That no funds shall be made available except to the extent,*
8 *or in such amounts as are provided in advance in appro-*
9 *priation Acts.*

Attest:

Secretary.